

Private Organization Workshop

50 FSS/FSR

50 SW/JA

Disclaimer

- o These slides are intended as a reference point only and should not be considered advice on any particular situation. If you have specific questions relating to your private organization or unofficial activity, please ask FSS or JA.

Introduction

- o References
- o Overview of Private Organization (PO) Program
- o Establishing and Maintaining a PO
- o Liability and Insurance Waiver
- o Fundraising, Solicitation & Sponsorship Restrictions
- o PO Communication & Advertising
- o Routing Fundraiser Requests
- o Logistical Support for POs
- o Gambling & Raffles
- o Volunteer Work
- o Takeaways & Points of Contact

References

- o AFI 34-223, *Private Organizations Program*
- o AFI 36-3101, *Fundraising Within the Air Force*
- o AFMAN 33-152, *User Responsibilities and Guidance for Information Systems*
- o DoD 5500.07-R, *Joint Ethics Regulation*
- o 50 SWHB32-1064, *Facilities Excellence Program Handbook*

- o Definition of Private Organization (POs):
“Self sustaining, special interest groups set up by people acting exclusively outside the scope of any official capacity as officers, employees, or agents of the federal government.”
- o Why we regulate POs:
 - o Ensure POs don't compete with Air Force
 - o Ensure POs do not bring discredit on Air Force
 - o Ensure POs don't present image that they are representing Air Force

Overview of Private Organization Program

What Private Organizations ARE NOT

1. Part of the military

- They will receive only limited Government supervision.

2. NAF instrumentalities (NAFIs)

- They are not entitled to immunities and privileges given to NAFIs.

3. Entitled to AF endorsement

- Despite contributions to the military community or installation, their promotion or support of AF goals and objections, etc..

Establishing and Maintaining PO

- o When does an 'unofficial activity' become a PO?
 - o When current assets exceed a monthly average of \$1,000 over a 3-month period.
- o Options:
 - o Become PO
 - o Discontinue on-base operations;
 - o Reduce current assets

*Common Examples: Unit coffee funds, snack bars

What about our name?

10.1. To prevent the appearance of an official sanction or support by the DoD.

10.1.1. POs may not use the seals, logos, or insignia of the DoD or any DoD Component, DoD organizational unit, or DoD installation on organization letterhead, correspondence, titles, or in association with organization programs, locations, or activities.

10.1.1.1. DELETED.

10.1.1.2. DELETED.

10.1.1.3. DELETED.

10.1.1.4. DELETED.

10.1.2. POs operating on DoD installations may use the name or abbreviation of the DoD, an Air Force organizational unit, or installation in the PO name provided that the status as a PO is apparent and unambiguous and there is no appearance of official sanction or support by the DoD. The following applies:

10.1.2.1. POs must have written approval from the installation commander before using the name or abbreviation of the installation or organizational unit. Requests for use of the DoD or Air Force name or abbreviation must be routed through the MAJCOM/AIS to HQ AFSVA/CDM.

Section C—Establishing, Operating, and Dissolving a PO Activity

**CONSTITUTION &
BYLAWS**

9. Setting Up a PO. A PO must submit a written constitution, bylaws, or other similar documents, outlined in the PO Guidance Handbook through the FSS/FSR, FSS/CC/CL and Staff

Judge Advocate for consideration by the installation commander. DoD personnel acting in an official capacity may not execute such constitutions, bylaws, or similar documents or submit them for approval, with the exception of the individuals mentioned above who are part of the formal submission process. The constitution, bylaws, or similar documents must:

- 9.1. Address the nature, function, objectives, membership eligibility, and sources of income of the PO.
- 9.2. Provide certification to FSS/FSR indicating that PO members have been notified and understand their personal financial liability for obligations of the PO, as provided by law.
- 9.3. Describe the responsibilities of PO officers for asset accountability, liability satisfaction, and sound financial and operational management.
- 9.4. Provide specific guidance on disposition of residual assets upon dissolution.

NOTE:

A PO may dispose of its assets only in the manner outlined in its constitution, bylaws, or similar documentation. If the proper provisions exist, a PO may give residual assets to the Air Force or a NAFI in accordance with AFIs 51-601, *Gifts to the Department of the Air Force*, and 34-201, *Use of Nonappropriated Funds (NAFs)*. Neither appropriated fund (APF) activities nor NAFIs may claim the assets of, or make or assume any obligation for, a PO except those that may arise from a valid contract between them.

- 9.5. Be updated every two years or when there is a change in the purpose, function, or membership eligibility of the PO, whichever comes first.

Constitution and By-Laws

Common Pitfalls

1. Not reading or understanding them.
Watch out for template verbiage
 - o What is a Constitution? AFI 34-223 para 9.1 & 9.4
 - o What are Bylaws? AFI 34-223 para 9.3
2. Not updating or renewing them as required (at least every two years).

Liability & Insurance Waiver

- o All POs must have liability insurance or a waiver
 - o 50 SW/CC delegated authority to 50 MSG/CC for waiver
 - o POs must submit package to 50 FSS/FSR explaining why they are eligible for waiver and include signatures of ALL members acknowledging joint and several liability
- o When is a PO eligible to have insurance waived?
 - o Almost always (negligible risk of liability)
 - o Only time it won't be: events that involve high risk of injury (Ex: Skydiving)
- o Insurance waivers must be reevaluated ANNUALLY

Fundraising & Solicitation

General Rules:

- o No activities that duplicate/compete w/AAFES
- o No amusement machines, games of chance, etc.
- o Cannot solicit funds on-base--but 50 FSS/CC may allow occasional sales and events for fundraising purposes
 - o No more than **2 fundraisers per quarter**
 - o Approval is required for **both on and off base fundraisers**
 - o Need 50 SFS & Bldg Managers approvals
- o Cannot sell or serve alcohol
- o Not in uniform and not on duty time

Fundraising & Solicitation

Soliciting/Supporting Fundraising in the

Workplace:

- o When authorized, fundraising is conducted in the designated areas **outside of the federal government workplace**
 - o 50 SW/CC has designated areas that qualify as **outside of the federal government workplace**. However, check the list to make sure you don't need approval from an additional organization before routing your fundraising request!
- o Cannot personally solicit funds or other support for PO from subordinates or any other 'prohibited source' (Ex: DOD contractors)

Table 1. Requests For Fundraising Activities.

R U L E	A	B	C	D	E	F
	If the requester wants to:	then get approval from:	Use of resources is: (Note 1)	Official endorsement is: (Note 7)	Conducting during CFC or AFAF is:	The Installation Commander:
1	Solicit for CFC at the workplace	OPM	Authorized	Authorized	Not applicable	-Refers to LFCC and 5 CFR Part 950 for procedures. Allows additional fundraising special events or benefits at or away from the workplace if proceeds go to the CFC.
2	Solicit for the AFAF campaign at the workplace	HQ AF/DP				Allows additional fundraising special events or benefits at or away from the workplace if proceeds go to the AFAF campaign.
3	Solicit for a local internal program at the workplace (Notes 2 and 3)	Installation Commander	Limited by AFI 34-223, <i>Private Organization Program</i>	Authorized	Not authorized	-May approve, as authorized by Section 7 of EO 12353. -Identifies the purpose of the activity and limits recipients to activities authorized by Air Force Directives that benefit only the military community. -Apply for 10% of CFC receipts at overseas installations for youth activities programs.
4	Solicit for local internal program away from the workplace (Notes 2 and 4)	Installation Commander	Limited by AFI 34-223	Authorized	Authorized	Ensures that activities do not detract from CFC or AFAF campaigns if in progress.

Sponsorship

Soliciting and Accepting Gifts/Donations:

- o POs may request and accept gifts and donations from outside sources
 - o Solicitations must include appropriate disclaimers
- o Donor/gift recognition may not be made publicly
 - o Only to members of the PO or those attending an event benefitting from the donation/gift



The Find 'Em and Grind 'Em Booster Club

Dear Sir or Madam,

Every year local businesses graciously donate to the The Find 'Em and Grind 'Em (F&G) Booster Club Holiday Party. **We are a non-profit organization whose sole purpose is the morale and welfare of our organization's members.** Our tax ID number is XXX. Your donation, like others, will help make it possible to provide an outstanding evening for approximately one hundred of our members and their families on December 17, 2011.

We are soliciting donations in order to present prizes to our members and family members.

Your support strengthens the bond between our organization and the local community, and we appreciate your consideration. Please feel free to contact me at (719) 567-1733 or by email at brian.peterson-02@us.af.mil with any questions or concerns. Once again, thank you for your continued support, and we want to wish you a happy and safe holiday season.

Very respectfully,

//SIGNED//

Brian A. Peterson
The F&G Booster Club President

****This is a private organization. It is not a part of the Department of Defense or any of its components and it has no governmental status.****

PO Communication & Advertising

o Posters

- o 50 SW Facilities Excellence Program Handbook:
 - o “Taping notices of special events on walls, windows, and doors is not authorized in AFSPC facilities.”
- o Use easels for display of temporary posters – buy posters with PO funds; coordinate with building manager for approval

o Email & Base Bulletin

- o Email may be used only for "official use" and “limited authorized purposes”
 - o Reasonable duration and frequency/cannot overburden systems
 - o Limited personal use of Email is authorized for other PO purposes (notices to members, voting, etc.)
 - o Must send to members’ individual accounts, not to base distro list
- o Base bulletin postings must be pre-approved
 - o Generally will be restricted to advertising for Professional Development events ONLY unless specifically approved by Wing/CC

PO Routing Process

- (1) PO turns in paperwork to 50 FSS/FSR.
- (2) 50 FSS/FSR reviews paperwork and submits package for 50 SW/JA review.
- (3) 50 SW/JA performs legal review.
- (4) 50 FSS/FSR delivers package from legal to 50 FSS/CC.
 - o For fundraiser requests, 50 FSS/CC is the final approval authority
- (5) 50 FSS/FSR delivers package to 50 MSG/CC.
- (6) 50 MSG/CC approves package.
- (7) 50 FSS/FSR notifies PO that approved package is ready for pick-up .

SAMPLE FUNDRAISER REQUEST
(MUST BE COMPLETED ON PRIVATE ORGANIZATIONS OWN LETTERHEAD)

(Date)

MEMORANDUM FOR 50 FSS/FSR
50 SW/JA
50 FSS/CC

FROM: (Private Organization Name)

SUBJECT: Request to Conduct Fundraiser

1. Request approval for a (description of fundraiser) to be held at (area were fundraiser is to take place) on (date of fundraiser) from (time of fundraiser) to _____.
 - a. I have confirmed with my supporting Protocol Office that this event will not conflict with any scheduled DV event.
 - b. I understand any advertisement I use will not violate facility excellence standards (Per 50 SW HB 32-1064, OPR 50 CES); specifically, I understand I may not attach posters or flyers to any doors, walls, or windows. Any storyboards and easels used for advertising in building common areas (i.e., halls and vestibules) will be approved for use by 50 FSS/CC.
2. (This paragraph should contain a detailed description of the fundraiser).
3. Project officer and telephone number: (Should be same as person signing letter, and be an officer of the PO (Do not use military rank)).
4. I certify that our organization has completed all requirements to be considered a private organization, and liability for this fundraiser is solely the responsibility of our Private Organizations and the individuals in our Private Organization.

(Signature)(NO Rank)
(Typed Name)



Fundraising during CFC and AFAF

- o Governed by AFI 36-3101 , 5 CFR Part 950, and Office of Personnel Management (OPM) regulations
- o Must route request through 50 FSS/FSR and 50 SW/JA
 - o POs may not hold or advertise fundraisers during CFC and AFAF without Wing/CC approval
 - o Activities cannot compete with CFC or AFAF campaign

Fundraising Examples

Good Examples	Bad Examples
Bake Sale	Raffle or auction for CC's parking spot
Golf tournament -Must be in a non-duty status, on leave status or on an official pass	Fundraiser to make a PO member have to wear a leprechaun costume during duty day -Elf costume at private party ok
Face painting/dunk booth at picnic	Poker tournament

Logistical Support

- o Use of government resources is prohibited... except when you comply with AFI 34-223, para 11

11. Logistical Support. POs must furnish their own equipment, supplies, and other materials. Newly elected PO officers must consult FSS/FSR for guidance and training on local installation requirements and procedures because POs generally do not get either APF or NAF support except where specifically identified in this AFI.

11.1. POs may be provided places to conduct meetings of reasonable duration and frequency.

11.1.3. The use of Government equipment and systems for other than official purposes is extremely limited. Government systems (daily bulletin boards and or electronic public folders) may be used to provide notice of unofficial off-installation fundraising campaigns and volunteer requests if approved by the Installation Commander. In no event should official email, mail, computers, copiers, BITS, etc., be used to provide notice of these type of activities.

Gambling/Raffles

- o POs may not conduct games of chance, lotteries, raffles or other gambling-type activities, except as provided in AFI 34-223, para 10.16, when:
 - o Authorized by Installation CC on occasional basis
 - o Do not violate **law of the city, county or state**
 - o Be for the benefit of DoD personnel
 - o Serve a charitable, civic or other community welfare purpose
 - o Identify the purpose for the funds
 - o Not be conducted in the workplace or during duty hours

Gambling/Raffles Contd.

- o Gambling in Colorado:
 - o Colorado Revised Statute (CRS) 12-9-107: "no games of chance shall be conducted... unless a bingo-raffle license" has been issued."
 - o Gambling is generally considered to have three elements:
 - o (1) **Consideration** (risking any money or thing for value)
 - o (2) **A game of chance**, and
 - o (3) **An offering of a reward or prize.**
 - o Events that do not include all of these 3 elements are not considered to be gambling (Door Prizes)

Volunteer Work

o OPM Guidance

- o “[Employees volunteering] may be granted annual leave, leave without pay, compensatory time off, or, in very limited and unique circumstances, excused absences as discussed below...”
- o Directly related to mission
- o Officially sponsored or sanctioned by head of department
- o Will clearly enhance professional development or skills of employee in current position
- o Absence is brief and is determined to be in the interest of the agency

o DoD Guidance (*Joint Ethics Regulation*)

- o “Community support activities that promote civic awareness and uncompensated public service such as disaster relief events, blood donations and voting and registering to vote.”

Volunteer Work

- o Air Force Guidance (AFI 36-815, *Absence and Leave*)
 - o “The installation commander... is authorized to excuse employees for brief periods for any other reasons that are deemed to be in the best interest of the public or the Air Force...”
 - o “Brief period normally means not more than 4 hours per day.”
- o Even if for a good cause, they are not “official”
 - o Need to be in non-duty status
 - o Cannot wear uniform
 - o Cannot use GOVs
- o Bottom Line = Ask us before you start planning!

Takeaways

- o POs are not official Air Force organizations/activities
 - o Must even avoid appearance of Air Force endorsement: conduct activities off-duty and in civilian clothes
- o Must take ownership over process
 - o FSS/FSR and JA are here to help but you must keep track of deadlines and provide advance notice for the fundraiser approval process to run its course
- o Know when unofficial organizations must become POs
 - o Check your bottom line on a regular basis
- o When unsure as to ethical considerations – ask legal office
 - o If your first idea doesn't work, we'll work with you to help brainstorm one that does
 - o The JER is punitive! In this case, it's better to ask for permission than forgiveness...

Additional Info

- o All documents must be in font Arial 12
- o Rank cannot be listed anywhere on the documents
- o Suspensions for violations:
 - 50 MSG/CC will be advised of the PO's violation and recommendations will be provided for PO administrative actions (i.e. suspension/disbandment)

Violations

- o Suspensions for violations:

50 MSG/CC will be advised of the PO's violation and recommendations will be provided for PO administrative actions (i.e. suspension/disbandment)

PO Website for Schriever AFB

- o SHAREPOINT: 50 SW, 50 MSG, 50 FSS, POs
- o 50 FSS Website: www.schrieverfss.com and
- o <https://50fss.com/people-personnel/naf-finance/>
 - o Resource Management
 - o Documents and Sample Documents

Points of Contact for PO Program

o FSS/FSR

Maria Daniels: maria.daniels@us.af.mil,
567- 6442

Juleen Frantz: juleen.frantz@us.af.mil,
567- 4479

o JA

Capt Casey Randall: casey.randall.2@us.af.mil,
567-5050

Mr. Ruben Martinez: ruben.martinez.2@us.af.mil
567-7556